

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE U.S. APPLICATION OF

ISMAT ULLAH ET AL.

APPLICATION NO: 09/848,448

FILED: MAY 3, 2001

FOR: HIGH DRUG LOAD ACID LABILE PHARMACEUTICAL
COMPOSITION

Assistant Commissioner for Patents
Washington, D.C. 20231

CASE TN1A QIP

TECH CENTER 1600/2900

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment, filed in application Serial No. 09/118,418, now U.S. Patent No. 6,331,316, which was recorded in the United States Patent and Trademark Office on November 25, 1998 at Reel/Frame 9606/0024 and an assignment filed in application Serial No. 09/083597, now abandoned, and a parent of the subject application, which was recorded in the United States Patent and Trademark Office on July 9, 1998 at Reel/Frame 9317/0197.

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,331,316** issued December 18, 2000. Said Patent No. 6,331,316 is also assigned to Bristol-Myers Squibb Company by virtue of an assignment which was recorded in the United States Patent and Trademark Office on November 25, 1998 at Reel/Frame 9606/0024.

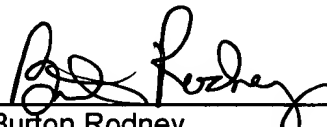
Bristol-Myers Squibb Company hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,331,316 are commonly owned. This agreement runs with the above-identified patent and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of the above-identified patent that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,331,316, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 22nd day of October, 2002 by the undersigned attorney of record.

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-4336



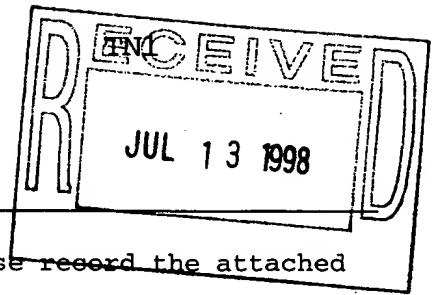
Burton Rodney
Attorney for Applicants
Reg. No. 22,076

07-22-1998



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To the Honorable Commissioner of Patent & Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Ismat Ullah
Gary J. Wiley

2. Name and address of receiving party(ies):

Name: Bristol-Myers Squibb Company
Address: Lawrenceville-Princeton Road
Princeton, N. J. 08543-4000

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name

Other: _____

Execution Date: June 25, 1998

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: June 25, 1998

A. Patent Application No.(s)

B. Patent No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:

Burton Rodney, Esq.
Bristol-Myers Squibb Company
P.O. Box 4000
Princeton, New Jersey 08543-4000

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account.

8. Deposit account number: 19-3880
(Attach duplicate copy of this page if paying by deposit account).

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Barry J. Marenberg

Name of Person Signing

Signature

July 9, 1998
Date

Total number of pages comprising cover sheet, attachments and document: 3

Mail to: Box Assignments

07/17/1998 JMWATKINS 00000131 193880 09083597

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Patent and Trademark Office
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SEPTEMBER 29, 1998

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RECORDATION DATE: 07/09/1998

REEL/FRAME: 9317/0197
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ULLAH, ISMAT

DOC DATE: 06/25/1998

ASSIGNOR:

WILEY, GARY J.

DOC DATE: 06/25/1998

ASSIGNEE:

BRISTOL-MYERS SQUIBB COMPANY
LAWRENCEVILLE-PRINCETON ROAD
PRINCETON, NEW JERSEY 08543-4000

SERIAL NUMBER: 09083597

FILING DATE: 05/22/1998

PATENT NUMBER:

ISSUE DATE:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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MARCH 17, 1999

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RECORDATION DATE: 11/25/1998

REEL/FRAME: 9606/0024
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ULLAH, ISMAT

DOC DATE: 07/13/1998

ASSIGNOR:
WILEY, GARY J.

DOC DATE: 07/13/1998

ASSIGNEE:
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LAWRENCEVILLE- PRINCETON ROAD
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SERIAL NUMBER: 09118418
PATENT NUMBER:

FILING DATE: 07/17/1998
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JOANN STEWART, EXAMINER
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